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PLEASE REPLY TO WEST ORANGE

August 1, 2008

Mail Stop 16
Director of the US Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313-1450

Re: Deposit Account No.: 06-2143
Serial No.: 10/539,428
For: Pressure Electrolyser And Cell Frame For Said Electrolyser
Our File No.: 11610-18

Dear Sir/Madam:

On June 18, 2008, we filed a Response to the March 18, 2008 Office Action. On July 29, 2008 you charged our deposit account \$120 for a one month extension fee. The response was filed timely and therefore we should not have been charged \$120. A copy of the Response bearing a certificate of mailing dated June 18, 2008 is enclosed.

Kindly credit deposit account 06-2143 the \$120.

Should you have any questions or concerns regarding the above, please feel free to contact me.

Very truly yours,

Klaus P. Stoffel

KPS:mj

11610-18

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Marko Ramisch

Serial No.: 10/539,428

Group Art Unit: 1795

Filed: January 30, 2006

Examiner: Bruce F. Bell

For: PRESSURE ELECTROLYSER AND CALL FRAME FOR SAID
ELECTROLYSER

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

AMENDMENT

Sir:

In response to the Office Action of March 18, 2008, please take the following
remarks into consideration.

In the event the actual fee is greater than the payment submitted or is
inadvertently not enclosed or if any additional fee during the prosecution of this
application is not paid, the Patent Office is authorized to charge the underpayment to
Deposit Account No. 06-2143.

CONTINGENT EXTENSION REQUEST

If this communication is filed after the shortened statutory time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. § 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. § 1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 06-2143.

REMARKS/ARGUMENTS

The Office Action of March 18, 2008, has been carefully considered.

It is noted that the Disclosure is objected to for containing various informalities.

Claims 20-34 are rejected under 35 U.S.C. 102(b) over the patent to Clark, et al.

Claims 20-34 are also rejected under 35 U.S.C. 103(a) over the patent to Eng in combination with the patent to McCarter, et al.

In connection with the objection to the Disclosure, applicant submits that the preliminary amendment filed simultaneously with the present application inserted headings into the application, and also deleted references to the claims from the specification. Applicant respectfully directs the Examiner's attention to the amendments made to the specification in the preliminary amendment.

In view of these considerations it is respectfully submitted that the objections to the disclosure are overcome and should be withdrawn.

It is further respectfully submitted that the claims presently on file differ essentially and in an unobvious highly advantageous manner from the constructions

disclosed in the references.

Turning now to the references, and particularly to the patent to Clark, et al. it can be seen that this patent discloses a method for the fabrication of electrochemical cells. Applicant submits that Clark, et al. do not disclose the present invention. To begin with, the present invention is directed to a pressure electrolyser. Clark, et al., on the other hand make no mention of a pressure electrolyser. A pressure electrolyser is operated under pressure and produces hydrogen and oxygen under pressure which requires a sealed housing which can withstand the operating pressure. Independent claims 20 and 21 specifically recite a sealed housing. Clark, et al. at column 2, lines 51-61 recite "Suitable polymeric materials from which the first component may be made include those capable of sustaining continued tensile stress and providing local compressive yield without catastrophic failure, particularly semi-crystalline polymers such as the many grades of polyethylene, polypropylene and their blends of copolymers, acetal, nylons, polyethylene terephthalate, polyvinylidene fluoride, polyvinyl-chloride, polytetrafluoroethylene, fluorinated ethylene-propylene copolymer, polyfluoroamide, chlorinated polyoxymethylene plus many others." Those skilled in the art would readily understand that these types of materials are generally not applicable in a pressure electrolyser. Furthermore, the second component, as recited in column 3, lines 2-4 of Clark, et al. can be made of "materials less resistant to tension". This clearly indicates that a pressurized use is not intended.

Furthermore, the present invention discloses a rigid element that forms a shell-like frame structure which partially encloses the elastic materials so that the elastic material partially protrudes from the rigid element. The Examiner argues that the upstands of Clark, et al. can be considered rigid. Although this is not clearly defined by Clark, et al., if one were to take this approach it would lead to an understanding that Clark, et al. describes rigid upstands protruding from an elastic material, and not an elastic material protruding from a rigid element, as recited in claim 20 presently on file. Furthermore, Clark, et al. do not disclose a rigid shell-frame structure.

Additionally, Clark, et al. do not disclose a rigid element that forms a frame-like insert that is at least partially embedded in the elastic material, as recited in claim 21.

In support of his rejection, the Examiner states on page 4 "A structure as recited only has to be capable of performing a function in order to meet the claims as recited." Applicant respectfully submits that the structure of Clark, et al. is not capable of performing the function of a pressurized electrolyser, as discussed previously above.

In view of these considerations, it is respectfully submitted that the rejection of claims 20-34 under 35 U.S.C. 102(b) over the above-discussed reference is overcome and should be withdrawn.

The patent to Eng discloses a gasket means for electrolytic cell assembly.

The patent to McCarter, et al. discloses a bipolar compression cell for a water-activated battery.

The Examiner combined these references in determining that claims 20-34 would be unpatentable over such a combination. As discussed previously in connection with McCarter, et al., Eng does not teach or disclose a pressure electrolyser with a sealed housing. Furthermore, Eng discloses the use of gaskets and not the use of an elastic material connected to a rigid element as recited in claims 20 and 21.

As acknowledged by the Examiner, Eng does not disclose adjacent cell frames each having projecting parts and recesses that fit into each other for locking the adjacent cell frames in place. Furthermore, Eng does not disclose a rigid element that forms a frame-like insert that is at least partially embedded in the elastic material, as recited in claim 21.

McCarter, et al. disclose a water activated battery, not a pressure electrolyser that must withstand gas pressure. Since neither Eng nor McCarter, et al. teach a pressure electrolyser, their combination can also not teach such a structure. Furthermore, the frames according to McCarter, et al. are elasoimetic and do not comprise a rigid element that can keep the stack stable.

Another reason that the present invention is not taught by a combination of Eng

and McCarter, et al. is that is that neither of the references, nor their combination, teaches connecting an elastic material to a rigid element.

In view of these considerations it is respectfully submitted that the rejection of claims 20-34 under 35 U.S.C. 103(a) over a combination of the above-discussed references is overcome and should be overcome.

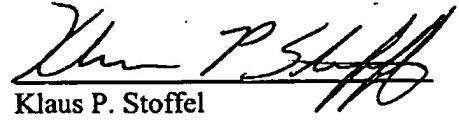
Reconsideration and allowance of the present application are respectfully requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on June 18, 2008

Klaus P. Stoffel
Name of applicant, assignee or
Registered Representative
Klaus P. Stoffel
Signature
June 18, 2008
Date of Signature

KPS/mj

Respectfully submitted,


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